



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3604-99

22 September 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 November 1997 at age 20. On 5 January 1998 you were diagnosed with Attention-Deficit/Hyperactivity Disorder and a severe adjustment disorder. The psychologist stated that you had experienced periods of uncontrollable crying, depressed mood, conflicts with shipmates, violent ideations toward other recruits, and difficulty establishing relationships with peers. The clinical judgment was that the adjustment disorder was so severe as to impair your ability to function effectively in the military environment.

Based on the diagnosed adjustment disorder you were processed for an administrative separation due to erroneous enlistment. In connection with this processing, you elected to waive your procedural rights. After review the separation authority directed an entry level separation. You were so separated on 20 January 1998. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In reaching its decision the Board noted the decision by the Social Security Administration which found that your condition improved and stopped your disability benefits. However, the Board believed that this action does not show that the diagnoses

made in 1998 were wrong or that you are now able to adapt to the military environment.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated because of an erroneous enlistment. The Board concluded that the psychiatric evaluation was sufficient to support the assignment of this reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director